srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8579 OF 2006.

Ashok Laxman Tidke & Ors. ..Petitioners.

Versus.

The State of Maharashtra & ors. ..Respondents.

M. S. Karnik for the petitioners.

M. L. Patil for the respondent nos. 2 to 4.

P. P. Kakade, A.G.P. for the State.

CORAM: S. B. MHASE &
S. R. SATHE,JJ.

DATE: JULY 2, 2007.

P.C.

1. Heard. By this petition, the petitioner prays for declaration that the reservation in respect of the land of the petitioner made under the Maharashtra Regional Town Planing Act has lapsed since the acquisition proposal has not been initiated within a period of six months after the issuance of the notice under section 127 of the MRTP Act. Learned Counsel Mr. M. L. Patil appearing for the respondent nos. 2 to 4 makes a statement that the notice under section 127 was issued by the petitioner on 24.11.2005 and the proposal to acquire the land has been submitted on 12.5.2006 by the respondent. He states that in view of the initiation of the proposal for acquisition the claim of the petitioner that the reservation has lapsed is not justified one and therefore petition be rejected. We

also find that the proposal to acquire the land has been submitted on 12.5.2006, i.e., within a period of six months after the issuance of notice by the petitioner. That appears to be a requirement. Rest of the proposal of the acquisition is to be carried out by the Government. If the Government has not taken the steps, the acquiring body cannot be blamed. There is no substance in the petition. Petition is therefore rejected.

(S.R.SATHE,J.) **(S.B.MHASE, J.)**